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4 JANE DOE,
5 Plaintiff,
6 v.
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8 UBER TECHNOLOGIES, INC., et al.,
9 Defendants.
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Case No. 19-cv-03310-JSC

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**ORDER RE: PLAINTIFF DEPOSITION
AND INDEPENDENT MEDICAL
EXAM DISPUTE**

Re: Dkt. No. 126

Now pending before the Court is a discovery dispute joint letter. (Dkt. No. 126.) Uber seeks to depose Plaintiff in person in the United States and on the same visit have its mental health expert examine Plaintiff. Plaintiff insists that the deposition be taken in Guadlajara, Mexico or be taken via Zoom remotely. Uber's request is GRANTED.

First, Uber has shown good cause for having the deposition and medical exam conducted in person. Plaintiff is not any witness, she is the key witness in this case and the plaintiff, and she is seeking much more than garden variety emotional distress damages. Further, she does not contend that she will suffer any harm from an in-person deposition and exam; instead, she insists that the exams take place in Mexico.

Second, Plaintiff has not shown undue hardship or that compelling circumstances justify her refusal to travel to the United States for her deposition and medical exam. *See Mullins v. Premier Nutrition Corp.*, 2014 WL 4058484 at * 1 (N.D. Cal. Aug. 15, 2014). She argues that she will be further traumatized by having to travel to San Francisco, where she was assaulted. Uber, however, has agreed to accommodate Plaintiff by taking the exams in Southern California or even another location in the United States. Further, she travelled to the Bay Area for the criminal trial and will have to travel here for the trial in this case.

Third, the Court is not making any ruling on the scope of the medical exam as it appears that the parties have not yet discussed that topic.

Fourth, as Uber notes, the Court cannot compel Mr. Padilla to appear for a deposition without a subpoena. There is also no evidence before the Court supporting Uber’s assertion that Plaintiff promised for months to produce Mr. Padilla for deposition in Mexico. Thus, no ruling on the issue is appropriate at this time.

This Order disposes of Docket No. 126.

IT IS SO ORDERED.

Dated: November 15, 2021

Jacqueline Scott Corley
JACQUELINE SCOTT CORLEY
United States Magistrate Judge

United States District Court
Northern District of California